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JPMORGAN CHASE BANK, N.A.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

CYNTHIA ROBERTS, an individual,  
  
Plaintiff,  
  
v.

WASHINGTON MUTUAL BANK FA, a  
Federal Savings Bank, organized and existing  
under the laws of the United States of America;  
JPMORGAN CHASE BANK, N.A., a national  
association, organized and existing under the  
laws of the United States of America; and DOES  
1-10, inclusive,  
  
Defendants.

**CASE NO.:** C 09-1879 LHK  
(Consolidated with lead case C 09-1855 LHK)

**JUDGE:** Hon. Lucy H. Koh

**[PROPOSED] ORDER GRANTING  
MOTION TO STRIKE THE 5<sup>TH</sup>, 6<sup>TH</sup>, 8<sup>TH</sup>,  
9<sup>TH</sup> AND 10<sup>TH</sup> CLAIMS FROM  
PLAINTIFF'S SECOND AMENDED  
COMPLAINT PURSUANT TO FRCP 15  
AND COURT'S MARCH 11, 2011 ORDER**

**DATE:** September 15, 2011  
**TIME:** 1:30 p.m.  
**CRTRM:** 4

**Action Filed:** April 29, 2009

AND RELATED CROSS-ACTION

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1 Defendant JPMorgan Chase Bank, N.A.'s ("JPMorgan") motion to strike the fifth, sixth,  
 2 eighth, ninth and tenth claims for relief from the Second Amended Complaint of plaintiff Cynthia  
 3 Roberts ("Plaintiffs"), pursuant to Federal Rule of Civil Procedure ("FRCP") 15 and the Court's  
 4 March 11, 2011 Order Granting Motion to Dismiss With Leave to Amend in Part, was heard on  
 5 September 15, 2011, at 1:30 p.m. in Courtroom 4 of the above-entitled Court. All appearances were  
 6 noted for the record.

7 After full consideration of the matter, having reviewed the papers in support of the Motion,  
 8 the Court rules as follows:

9 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED THAT:

10 1. The Motion to Strike the fifth, sixth, eighth, ninth and tenth claims for relief from  
 11 Plaintiff's Second Amended Complaint is granted pursuant to FRCP 15 and the Court's March 11,  
 12 2011 Order Granting Motion to Dismiss With Leave to Amend in Part for Plaintiff's failure to obtain  
 13 JPMorgan's consent or seek leave of the Court to file those new claims.

14  
 15 DATED: \_\_\_\_\_

\_\_\_\_\_  
 Hon. Lucy H. Koh  
 JUDGE, U.S. DISTRICT COURT

**CERTIFICATE OF SERVICE****STATE OF CALIFORNIA, COUNTY OF LOS ANGELES***Roberts v. JPMorgan Chase Bank, et al.*

USDC Case No.: C 09-1879 LHK

(Consolidated with lead case C 09-1855 LHK)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is **ALVARADO SMITH, APC, 633 W. Fifth Street, Suite 1100, Los Angeles, CA 90071.**

On June 9, 2011, I served the foregoing document described as **[PROPOSED] ORDER GRANTING MOTION TO STRIKE THE 5<sup>TH</sup>, 6<sup>TH</sup>, 8<sup>TH</sup>, 9<sup>TH</sup> AND 10<sup>TH</sup> CLAIMS FROM PLAINTIFF'S SECOND AMENDED COMPLAINT PURSUANT TO FRCP 15 AND COURT'S MARCH 11, 2011 ORDER** on the interested parties in this action.

☒ by placing the original and/or a true copy thereof enclosed in (a) sealed envelope(s), addressed as follows:

**SEE ATTACHED SERVICE LIST**

☐ **BY REGULAR MAIL** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

**BY THE ACT OF FILING OR SERVICE, THAT THE DOCUMENT WAS PRODUCED ON PAPER PURCHASED AS RECYCLED**

☐ **BY FACSIMILE MACHINE:** I Tele-Faxed a copy of the original document to the above facsimile numbers.

☒ **BY OVERNIGHT MAIL:** I deposited such documents at the Overnite Express or FedEx Drop Box located at 633 W. Fifth Street, Los Angeles, California 90071. The envelope was deposited with delivery fees thereon fully prepaid.

☐ **BY PERSONAL SERVICE:** I caused such envelope(s) to be delivered by hand to the above addressee(s).

☐ (State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☒ (Federal) I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made.

Executed on June 9, 2011, at Los Angeles, California.

/S/ Patricio A. Marquez

Patricio A. Marquez

**SERVICE LIST**  
***Roberts v. JPMorgan Chase Bank, et al.***  
USDC Case No.: C 09-1879 LHK  
(Consolidated with lead case C 09-1855 LHK)

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